UNITED STATES PATENT AND TRADEMARK OFFICE

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10/668,199	09/24/2003	Tamaki Nakamura	2936-0198P	4107

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EXAMINER
PETERSON, CHRISTOPHER K

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 April 2008</u>.

2a)☒ This action is FINAL.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The Amendment After Non-Final Rejection filed on April 30, 2008 has been

received and made of record. Examiner notes that the Applicant has added new claims

7 – 11 and amended claim 5 with a new limitation. Examiner notes the Applicant has

amended the Specification to place it in better form for U.S. practice. Claims 1 - 11 are

pending in this application.

Response to Arguments

2.   Applicant's arguments considering claim 1 filed April 30, 2008 have been fully

considered but they are not persuasive.

        First, in regard to claim 1, the Applicant argues that the Osaka (US Patent #

6,023,277) reference merely states that is "stores a control program for implementing a

processing procedure," and does not disclose or suggest that it memorizes "in addition

to the image data, an attribute about a dimension of the image represented by the

image data depending on whether the obtained image data represents a two

dimensional image without parallax or a three dimensional image with parallax," as

recited in claim 1 (See Remarks, Pg. 8 and 9). The Examiner respectfully disagrees.

Specifically, noting the Osaka reference, Fig. 8 - 12 and Col. 15, line 3 – Col. 16, line 44

teaches that the icons (34a, 34b, 34c and 34d), which are objects for displaying disk

files and input devices for the user to see, a pointer 35 capable of being moved by a

mouse (not shown) for selecting objects and entering planar coordinates, and

background 36 of the objects. Thus, with the GUI using the icons 34a.about.34d,

window 33 and menu 32, etc., objects such as icons, windows and menus related to file

system directories and applications may be moved in order to move, copy and delete

files and make inputs and outputs with regard to peripherals, and for the purpose of

acquiring, in the desktop window area, locations for performing such operations on the

display (Col. 15, lines 15 – 33). Osaka teaches displaying disk file, which in the

proceeding paragraph Osaka teaches the memory (11b) includes a ROM, RAM or

magnetic disk drive (Col. 15, lines 9 – 13). Examiner reads this to mean that the disk

files are stored on to the RAM or magnetic disk drive of memory (11b). For the above

reason, the Examiner believes that Osaka does teach the limitations of claim 1.

3.   Applicant's arguments with respect to claim 5 have been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

5.   **Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Osaka**

(US Patent # 6,023,277).

        As to claim 1, Osaka (Fig. 8) teaches an electronic apparatus (computer system)

for obtaining and memorizing image data (memory 11b) representing an image and

displaying (stereoscopic display 12) the image represented by the memorized image data (11b), comprising: a memory (11b) for memorizing, in addition to the image data, an attribute (file header 51 of Fig. 12) about a dimension of the image represented by the image data depending on whether the obtained image data represents a two dimensional image without parallax (2D data 53 of Fig. 12) or a three dimensional image with parallax (3D data 52 of Fig. 12) (Col. 16, lines 11 – 19). Osaka (Fig. 14) teaches a computer system which acquires an image and analyzes the image to determine if the image is 2D or 3D. If the display driver (6) determines the image has 3D data, then the image is displayed in 3D (Col. 17, line 10 – Col. 18, line 11). Osaka also teaches that the CPU (11) is supplied from a storage medium such as a floppy disk. Examiner believes this enables the CPU (11) to obtain images.

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7.   **Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osaka (US Patent # 6,023,277) in view of Ohmura (US Patent # 6,963,363)**.

        As to claim 5, Osaka (Fig. 8) teaches an electronic apparatus for obtaining and memorizing image data (memory 11b) representing an image and displaying (stereoscopic display 12) the image represented by the memorized image data (11b), comprising: a memory (11b) for memorizing, in addition to the image data, an attribute (file header 51 of Fig. 12) about a format of the image data (3D data 52 or 2D data 53 of

Fig. 12) (Col. 16, lines 11 – 19). Osaka (Fig. 14) teaches a computer system which acquires an image and analyzes the image to determine if the image is 2D or 3D. If the display driver (6) determines the image has 3D data, then the image is displayed in 3D (Col. 17, line 10 – Col. 18, line 11). Osaka also teaches that the CPU (11) is supplied from a storage medium such as a floppy disk. Examiner believes this enables the CPU (11) to obtain images (Col. 15, lines 3 – 13). Osaka does not specifically teach an attribute of copyright information. Osaka teaches a protection of register content used or generation of objects such as necessary windows and icons (Col. 15, lines 48 – 56). The Ohmura reference teaches a digital camera, and more specifically to a digital camera that is capable of embedding an electronic watermark into electronic image data of the digital camera. The electronic watermark remains against any edition, such as copying, changing the size and cutting, so that it is valid for protecting copyright (Col. 4, lines 14 – 21). Ohmura teaches an attribute of copyright information (embedded watermark) into the image data (Col.3, line 43 – Col. 4, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the embedded watermark as taught by Ohmura to the host computer of Osaka, because it provides a method to embed a watermark and also ensure the watermark has been embedded into the image file prior to transmitting the image data (Col. 2, lines 6 – 59 of Ohmura).

As to claim 8, Ohmura teaches wherein the memory (memory 207) further stores an attribute of copyright information (embedded watermark) into the image data (Col.3, line 43 – Col. 4, line 12).

8.   **Claims 6 and 9 – 11 are rejected under 35 U.S.C. 103(a) as being**
unpatentable over Osaka (US Patent # 6,023,277) in view of Ohmura (US Patent #
6,963,363) and further in view of Wada (US Patent # 6,965,413).

As to claim 6, Osaka teaches the electronic apparatus (host computer 11) with a
CPU (11a) and memory (11b). Osaka also teaches the ability to obtain image data by
storage mediums such as floppy disks (Col. 15, lines 3 – 13). Ohmura (Fig. 2) teaches a
(transmitting circuit 210) (Col. 4, lines 3 – 13). Osaka in view of Ohmura do not
specifically teach a communications section for connecting to the Internet and obtaining
the image data. Wada reference cites a foldable portable terminal unit containing a
picture taking device capable of transmitting both image and voice. As to claim 6, Wada
(Fig. 6) teaches an input section for inputting audio (receiver 15) (Col. 2, lines 55 – 58);
an output section for outputting audio (speaker 13) (Col. 2, lines 55 – 58); and a
communications section for transmitting and receiving audio (voice codec section 19,
transmission controller 20 and network interface 21) (Col. 4, lines 12 – 19), wherein the
electronic apparatus (mobile phone 1) functions as a telephone (1) Col. 2, lines 51 –
61). Therefore, it would have been obvious to one of ordinary skill in the art at the time
the invention was made to have provided a communications section for connecting to
the Internet and obtaining the image data as taught by Wada to the host computer of
Osaka, because the display device disposed in the lid portion is constructed to be
foldable and rotatable freely with the picture taking camera fixed in the case main body.
Thus, by rotating or folding the lid portion corresponding to his or her own image or an
image of an outside object taken with the picture taking camera, user can monitor that

image with the display device in a state suitable for taking picture. Further, reduction of

the size thereof is achieved, so that a portable terminal unit convenient for carrying can

be provided (Col. 5, lines 45 – 55 of Wada).

As to claim 9, Osaka teaches the electronic apparatus (host computer 11) with a

CPU (11a) and memory (11b). Osaka also teaches the ability to obtain image data by

storage mediums such as floppy disks (Col. 15, lines 3 – 13). Ohmura (Fig. 2) teaches a

(transmitting circuit 210) (Col. 4, lines 3 – 13). Osaka in view of Ohmura do not

specifically teach a communications section for sending an e-mail. Wada reference

cites a case main body (2) contains transmission/reception circuit and other circuits

enabling exchange of E-mail, the Internet communication, distribution of image signal

and the like, these circuits being required for a mobile phone (1) Col. 2, lines 51 – 61).

Ohmura (Fig. 5) teaches wherein the controller (CPU 201 of Ohmura) prohibits the

image to be transmitted when the there is copyright information (embedded watermark)

associated with the image (Col. 5, lines 37 – 44). Ohmura shows a flowchart where the

embedded watermark is not changed for a selected destination. In step S303 if the

watermark has not been changed the program goes to step S305 and the image is not

transmitted and goes back to the main program (Fig. 3), which ends the program.

Ohmura does teach prohibiting the transmission of image data without the embedded

watermark and Wada does teach a transmission is an Email.

As to claim 10, Osaka (Fig. 8) teaches an electronic apparatus (computer

system) for obtaining and memorizing image data (memory 11b) representing an image

and displaying (stereoscopic display 12) the image represented by the memorized

image data (11b), comprising: a memory (11b) for memorizing, in addition to the image data, an attribute (file header 51 of Fig. 12) about a dimension of the image represented by the image data depending on whether the obtained image data represents a two dimensional image without parallax (2D data 53 of Fig. 12) or a three dimensional image with parallax (3D data 52 of Fig. 12) (Col. 16, lines 11 – 19). Osaka (Fig. 14) teaches a computer system which acquires an image and analyzes the image to determine if the image is 2D or 3D. If the display driver (6) determines the image has 3D data, then the image is displayed in 3D (Col. 17, line 10 – Col. 18, line 11). Osaka also teaches that the CPU (11) is supplied from a storage medium such as a floppy disk. Examiner believes this enables the CPU (11) to obtain images. Osaka does not teach an electronic animation in 2D image or 3D image. Wada (Fig. 6) teaches the image data is encoded by an animation or static image codec section 18 and stored in a memory (not shown) in the codec section (18) (Col. 3, line 66 – Col. 4, line 11).

As to claim 11, Osaka teaches the electronic apparatus (host computer 11) with a CPU (11a) and memory (11b). Osaka also teaches the ability to obtain image data by storage mediums such as floppy disks (Col. 15, lines 3 – 13). Ohmura (Fig. 2) teaches a (transmitting circuit 210) (Col. 4, lines 3 – 13). Osaka in view of Ohmura do not specifically teach a communications section for sending an e-mail. Wada reference cites a case main body (2) contains transmission/reception circuit and other circuits enabling exchange of E-mail, the Internet communication, distribution of image signal and the like, these circuits being required for a mobile phone (1) (Col. 2, lines 51 – 61). Ohmura (Fig. 5) teaches wherein the controller (CPU 201 of Ohmura) prohibits the

image to be transmitted when the there is copyright information (embedded watermark) associated with the image (Col. 5, lines 37 – 44). Ohmura shows a flowchart where the embedded watermark is not changed for a selected destination. In step S303 if the watermark has not been changed the program goes to step S305 and the image is not transmitted and goes back to the main program (Fig. 3), which ends the program. Ohmura (Fig. 2) also teaches a (JPEG circuit 205) used to compress the image data (Col. 3, lines 43 – 56). Ohmura does teach prohibiting the transmission of image data without the embedded watermark and Wada does teach a transmission is an Email. JPG format is also considered JPEG or JPEG 2000, so the JPEG circuit of Ohmura does meet the limitation of the claim.

9.   **Claims 2 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osaka (US Patent # 6,023,277) in view of Wada (US Patent # 6,965,413).**

As to claim 2, Osaka teaches the electronic apparatus (host computer 11) with a CPU (11a) and memory (11b). Osaka also teaches the ability to obtain image data by storage mediums such as floppy disks (Col. 15, lines 3 – 13). Osaka does not specifically teach a communications section for connecting to the Internet and obtaining the image data. Wada reference cites a foldable portable terminal unit containing a picture taking device capable of transmitting both image and voice. Wada (Fig. 6) teaches a communications section (transmission controller 20 and network interface 21) for connecting to the Internet (transmission path 23) and obtaining the image data (Col. 3, line 61 – Col. 4. line 27). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to have provided a communications section for connecting to the Internet and obtaining the image data as taught by Wada to the host computer of Osaka, because the display device disposed in the lid portion is constructed to be foldable and rotatable freely with the picture taking camera fixed in the case main body. Thus, by rotating or folding the lid portion corresponding to his or her own image or an image of an outside object taken with the picture taking camera, user can monitor that image with the display device in a state suitable for taking picture. Further, reduction of the size thereof is achieved, so that a portable terminal unit convenient for carrying can be provided (Col. 5, lines 45 – 55 of Wada).

As to claim 3, Wada teaches a camera (picture-taking camera 11) for photographing the image so that the image data is obtained by the camera (11) (Col. 3, line 66 – Col. 4, line 11).

As to claim 4, Wada (Fig. 6) teaches an input section for inputting audio (receiver 15) (Col. 2, lines 55 – 58); an output section for outputting audio (speaker 13) (Col. 2, lines 55 – 58); and a communications section for transmitting and receiving audio (voice codec section 19, transmission controller 20 and network interface 21) (Col. 4, lines 12 – 19), wherein the electronic apparatus (mobile phone 1) functions as a telephone (1) Col. 2, lines 51 – 61).

10.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Osaka (US Patent # 6,023,277) in view of Parulski (US Patent Pub. # 2003/0058354).

As to claim 7, Osaka teaches an electronic apparatus (computer system) for obtaining and memorizing image data (memory 11b) representing an image and displaying (stereoscopic display 12) the image represented by the memorized image data (11b), comprising: a memory (11b) for memorizing, in addition to the image data, an attribute (file header 51 of Fig. 12) about a dimension of the image represented by the image data depending on whether the obtained image data represents a two dimensional image without parallax (2D data 53 of Fig. 12) or a three dimensional image with parallax (3D data 52 of Fig. 12) (Col. 16, lines 11 – 19). Osaka does not teach the storing of a thumbnail image data of the image. Parulski teaches wherein the memory (memory 50) further stores a thumbnail image data (low resolution thumbnail version) of image (Para 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the low resolution thumbnail version of the image as taught by Parulski to the host computer of Osaka, because using a standard, "finished" image file format so that the images can be used by many applications, yet also enables image processing from raw camera data to final output data to be completed in a single, integrated process, to provide improved image quality when printing (Para 12 of Parulski).

Conclusion

11.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHRISTOPHER K. PETERSON whose telephone

number is (571)270-1704. The examiner can normally be reached on Monday - Friday

6:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, NgocYen Vu can be reached on 571-272-7320. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CKP
14 July 2008

/Ngoc-Yen T. VU/
Supervisory Patent Examiner, Art Unit 2622